

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) CORDELIAH BROUSSARD,)
)
)
Plaintiff,)
)
)
v.) Case No.: CIV-14-714-HE
)
)
(2) STARmount LIFE INSURANCE)
COMPANY,)
)
)
Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 & 1446, Defendant Starmount Life Insurance Company (“Starmount”), subject to all of its defenses, which are expressly reserved herein, by and through its undersigned counsel, hereby removes the above-captioned action from the District Court of Oklahoma County to the United States District Court for the Western District of Oklahoma. As grounds for this removal, Starmount states as follows:

1. On June 18, 2014, Plaintiff Cordeliah Broussard (“Plaintiff”) filed a Complaint against Starmount in the District Court of Oklahoma County (the “State Court Action”).
2. This Notice of Removal is filed within the time permitted by 28 U.S.C. § 1446, as service of process was made on Starmount in the State Court Action on June 18, 2014. True and correct copies of “all process, pleadings, and orders served” in the State Court Action (which as of the date of this Notice of Removal only includes the Petition) are attached hereto as Exhibit “1.” The state court docket sheet, as required by LCvR

81.2(a), is attached hereto as Exhibit “2.” Starmount has not taken any action in the State Court Action.

3. Starmount is authorized to remove this action under 28 U.S.C. §§ 1441 and 1446. This Court has original subject-matter jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332, as there is complete diversity of citizenship between the parties and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Starmount is not a citizen of the forum state. *See* 28 U.S.C. § 1441(b). Moreover, removal is proper because this Court is the district court “for the district and division embracing the place where [the State Court Action] is pending.” *See* 28 U.S.C. § 1441(a).

4. Complete diversity exists between Plaintiff and Starmount. Plaintiff is a citizen of the State of Oklahoma. *See* Petition, attached hereto as Exhibit “1,” ¶ 1. Starmount is a corporation organized and existing under the laws of the State of Louisiana, with its principal place of business located in the State of Louisiana. Accordingly, complete diversity of citizenship now exists and existed at the time the State Court Action was commenced.

5. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a). As alleged in the State Court Petition, “Plaintiff prays for a money judgment against Starmount for (a) breach of contract damages in the amount of \$20,000.00; (b) actual and compensatory damages for bad faith in an amount *in excess of the amount required for federal jurisdiction*; (c) punitive damages in an amount *in excess of the amount required for federal jurisdiction*;

(d) Plaintiff's prejudgment interest, costs, and a reasonable attorney fee; and (e) such other relief to which Plaintiff may be entitled." *See* Petition, attached hereto as Exhibit "1," Wherefore Clause (emphasis added). Accordingly, as alleged, the amount in controversy, exclusive of interests and costs, exceeds \$75,000.

6. In accordance with 28 U.S.C. § 1446(d), all adverse parties are being provided with this Notice of Removal, and a copy of this Notice of Removal will be filed with the Court Clerk for the District Court of Oklahoma County.

WHEREFORE, based on the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, and removal of this civil action to this Court from the District Court of Oklahoma County is proper under 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

Dated: July 8, 2014

s/ Andrew M. Bowman

Andrew M. Bowman, OBA No. 22071
FOLIART HUFF OTTAWAY & BOTTOM
201 Robert S Kerr Avenue, 12th Floor
Oklahoma City, OK 73102
Telephone: (405) 232-4633
Facsimile: (405) 232-3462
andrewbowman@oklahomacounsel.com

-and-

Robert J. Mancuso (to be admitted *pro hac vice*)
DRINKER BIDDLE & REATH LLP
One Logan Square, Ste. 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
Facsimile: (215) 988-2757
robert.mancuso@dbr.com

*Attorneys for Defendant
Starmount Life Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2014, a true and correct copy of the foregoing Notice of Removal was served via first class mail, postage prepaid, upon counsel as follows:

Kevin Bennett
The Bennett Law Firm
414 N.W. 4th Street, Suite 200
Oklahoma City, OK 73102
Phone: (405) 272-0303
Fax: (405) 702-4984
Email: Kevin@bennettlawokc.com
Attorneys for Plaintiff

s/ Andrew M. Bowman

Andrew M. Bowman